

Texas Conrad 30 J-1 Visa Waiver Program Responsibilities and Rights

It is the intent of the Texas Conrad 30 J-1 Visa Waiver Program that all sponsors and physicians are aware of and understand their Responsibilities and Rights.

When you have completed this slide presentation, please follow the instructions on slide 27. This will provide confirmation that the Responsibilities and Rights have been read and understood.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible for recognizing the value of my sponsor's offer of employment

An offer of employment is a serious commitment, with immediate and long term financial implications. The employer is also committing an investment of time and administrative assistance to support a medical practice. Acceptance the offer of employment is an acknowledgement of this value.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible for asking for clarification of any contract terms I do not understand

Contract language can be complex and confusing for anyone who is not an attorney. BEFORE SIGNING a contract, ask about anything you don't understand and have someone with contract expertise review it with you.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible for practice performance that justifies my sponsor's level of investment

Productivity, such as the number of patients seen each day, is one measure of performance. The physician and employer should discuss marketing and scheduling to optimize productivity. The physician, sponsor and other professionals in the practice should work together to provide consistent, quality care, which insures continuity of that care for the patients. This includes establishing a clear process and plan for coverage of patients outside regular clinic hours.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible to my employer to request approval for any outside employment and gain appropriate work authorization

Moonlighting or working for another employer must have prior and ongoing approval by the sponsor, because outside employment cannot be allowed to conflict with your primary job.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible for treating every patient, staff member and affiliate with the utmost respect and dignity without regard to race, gender, sexual preference, financial status, education, ethnicity or religion

Understanding the culture, experience and background of the patients, peers, co-workers and community is important for successful practice of medicine in the obligated position and beyond to future practice opportunities. Non-discrimination is the law in the US, and we also expect respect for diversity.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible for behaving in a professional

Expectations for a good work ethic and attention to professional standards, such as charting and documenting services you provide are not negotiable. Meet with your employer and peers regularly and join physician associations to further continuing education and expectations.

J-1 Visa Waiver Physician Responsibilities and Rights

- I am Responsible for recognizing that my conduct is a reflection of the practice and to act in a manner that provides a positive reflection

Be mindful of how your behavior is viewed by others in your community. Be sure that your family knows they are seen as an extension of you and the practice with which you will be associated..

J-1 Visa Waiver Physician Responsibilities and Rights

- I have a Right to be treated equal to my peers

Your obligation doesn't make you an "indentured servant."

Negotiate with your employer to ensure fair and equal treatment regarding physician duties, including call coverage; evening, weekend and holiday shifts; educational and personal leave, etc. Remember also that initially the newest doctor may get the least choice in schedules or duties, but over time there should be more balance and equity.

J-1 Visa Waiver Physician Responsibilities and Rights

- I have a Right to be compensated as agreed in the employment contract

The contracted salary is part of the agreement that allowed the waiver recommendation. If you sign a new contract, it may not meet the requirements for the waiver. Either the new or original contract may also limit your right to ask for a higher salary.

J-1 Visa Waiver Physician Responsibilities and Rights

- I have a Right to expect all billings submitted for my services will be lawful and correct

Ask questions, ask to verify billings submitted under your ID number and license. You can be liable for any errors or unlawful submissions.

J-1 Visa Waiver Physician Responsibilities and Rights

- I have a Right to regular performance meetings to insure that I am meeting expectations or have a plan to do so

Meet regularly with your employer and other key staff (Director of Nursing!) to be sure that any problems are addressed. This will also let you know whether your performance is on track with your employer's expectations.

J-1 Visa Waiver Physician Responsibilities and Rights

- I have a Right to discuss my situation with legal or government professionals if necessary

If issues with your contract or employment concern you, our office can talk with you and advise you about possible solutions.

J-1 Visa Waiver Physician Responsibilities and Rights

- I have a Right to leave the practice with no repercussions after my obligation is complete

Be sure that you have been open with your employer about your future plans. If you successfully complete your three-year obligation and the contract terms, you should have a wider range of employment options. Be aware of any non-solicitation clauses in your contract and abide by them. Also be aware of all Immigration regulations and opportunities. For example, getting a “green card” or permanent residency through a National Interest Waiver will require employment that meets USCIS requirements.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I am Responsible for fair and equitable treatment, without regard to visa status, race, gender, education, ethnicity or religion

Non-discrimination is the law in the US, and we also expect respect for diversity.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I am Responsible for timely salary payment as agreed in the employment contract

Timely salary payments, as defined in the contract, are expected from employers. The contracted salary must be competitive for the specialty in the area.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I am Responsible for upholding all other terms of the contract. Any re-negotiations must meet Visa Waiver Requirements

Any subsequent contract offered during the initial three year term must be approved by the Texas Conrad 30 office. Your ability to employ a waiver physician in the future could be put in jeopardy if waiver requirements are not met.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I am Responsible for clearly stating my performance expectations and providing assistance for reaching these goals

Meeting regularly with the physician and providing feedback, guidance and training can help you reach your goals, and help to identify and address potential problems early.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I am Responsible for setting the example of professionalism to which I hold others

Professional standards are learned and setting the example can go a long way in establishing and maintaining a professional practice.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I am Responsible for assuring transparent and legal billings on behalf on my clinic and employees

No explanation necessary. Complaints related to this responsibility will be reported.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I have the Right to expect compliance with contracted service and benefits

Spelling out work schedules and benefits such as leave and insurance in the contract should clearly state your intentions. These should be the same as benefits available to other physicians in the practice.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I have the Right to be notified of, review and approve any outside employment

Moonlighting could conflict with your expectations of the physician.

You have the right to approve or deny any outside work. It is the physician's responsibility to gain work authorization for any outside employment. Do not subcontract the physician's services beyond the Conrad 30 contracted agreement.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I have the Right to be respected for my agreement to employ this physician

Your investment of time, space, legal costs, or any other financial or non-financial resources should be understood and respected by the physician. Sharing information about practice management costs may help make it clear that the sponsorship must also be a good business decision on your part.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I have the Right to be consulted over any decisions that may impact my role as an employer

Major decisions on the part of the physician, such as staying or leaving upon completion of the initial three year term, should be made known in a timely manner. Open communication is key, especially as it relates to what happens after the obligation has been met.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I have the Right to discuss financial implications of the employee or their behavior

Open communication about the business and personal performance of the physician should be incorporated in the professional performance evaluation of the physician. This should be a regular and ongoing process during the three-year obligation.

Responsibilities and Rights of Physician/Sponsor who Employ a J-1 Visa Waiver Physician

- I have the Right to expect professional behavior and appropriate conduct on the part of the sponsored employee

The physician's behavior and conduct are a reflection of your practice, and you have the right to expect positive and professional conduct from the physician.

Responsibilities and Rights of J-1 Visa Waiver Physicians and Physicians/Sponsors who Employ a J-1 Visa Waiver Physician

Please send an e-mail to:

TexasPCO@dshs.state.tx.us

as a verification that you have read and understand the information in this presentation. Please provide your full name. If you are a sponsor, also include your company name. If you are a J-1, also include your sponsor's company name.